From: Ellis, William T. [mailto:WEllis@foley.com]
Sent: Wednesday, December 23, 2009 11:46 AM
To: Le, Khanh H. (AU3622)
Cc: Mark Landesmann
Subject: 09/888,439 6660157_1.DOC

<<6660157_1.DOC=>>

Examiner Le
My client has directed me to add into claims 402-423 after the word "receiving" the limitation "via computer-enabled automated access," in order to further protect that claim set. That is the only change from what I sent previously. The added word are highlighted in yellow.

Regarding your comments below, see my response in CAPS.
As a reminder, during the pendency of the appeal for 09/888,439, you had told me that any filings of IDS would pull the case out of the queue for appeal consideration so that you could consider the references disclosed. As you are aware, you issued office actions based on prior art in other of the applications in this patent family. This is art that you are obviously familiar with. We don't plan to file a formal IDS unless you believe that it is necessary for these copending cases in the patent application family.

Working from your remarks I noted what I've found so far in red. I'm not sure how the dependents (in red) are constructed. I've not been able to go through all the claims. Will call you later when I get to the office. Please review these and respond in the meantime. Again please do not send another document. I can work with what we have so far.

Thanks so much.
KHANH LE
(3) Status of Claims
The statement of the status of claims contained in the brief is correct. (**Presently prosecuted are claims 1, 10-13, 47-49, 51-52, 64-65, 68, 94, 100-103, 137-139, 141-142, 154-155, 158, 204, 206, 207- 238, 246, 250, 252-290, 298, 302, 304-339, 347, 351, 353-357 with claims 1, 94, 204, 206, 207, 259, and 308 as independent.)**

REMARKS

The claims were amended to convert the allowed multiply dependent claims into independent claims, and the allowed original multiply dependent claims have been cancelled without prejudice. Accordingly,

Multiply dependent claim 233 now comprises new independent claims 358-379. Seems OK so far.

Multiply dependent claim 254 (parallel 306 (CRM)//254 (M)//355(S),) now comprises new independent claims 380-401.

all good to copy except 389, 398 (need add 209 limitation) and 401 (need add 218 limitation)
YOU ARE CORRECT. THANKS FOR CATCHING THAT

Multiply dependent claim 284 now comprises new independent claims 402-423.

Old claim 284 (CRM) now =402:
***1) Where do all the dep's of 402 come from? There were no Deps of Old claim 284. Deps of 402 Not found in worksheet either.

DEPENDENTS ON 402 ARE CLAIMS 282, 283, 285-290, 298, 302, 304, 305, AND 307. THESE ARE PREVIOUSLY EXISTING COMPUTER PRODUCT MULTIPLY-DEPENDENT CLAIMS THAT WERE AMENDED IN THEIR DEPENDENCY TO DEPEND FROM ONLY ONE CLAIM, NEW CLAIM 402.

2) Why cross ~~"computer code for storing the acceptance information"~~ from 402? Not in other new independents;
LET'S PUT IT BACK IN

Multiply dependent claim 306 now comprises new independent claims 424-445.
old 306 (CRM)//254 (M)//355(S), now =424-445: "computer-readable non-transitory media" is used in all instead of "non-transitory computer-readable media"

NO OBJECTION TO CHANGING

Multiply dependent claim 333 now comprises new independent claims 446-469.
Multiply dependent claim 355 (355 S//254 m //306 CRM) now comprises new independent claims 470-490. **Should be 469-490 . Seems** OK so far.

Note that a second document is provided, to assist the examiner, to show the construction of the claims based on the various dependent claims.

Note that claim 231 now depends from claim 402, which comprises claim 284-259.
Note that claim 230 now depends from claim 358, which comprises claim 233-207.
Note that claim 232 now depends from claim 358, which comprises claim 233-207.

Note that new dependent claims 491-492 track claims 10-11 and are dependent on newly independent Board-allowed claim claim 64.

Note that new dependent claims 493-494 track claims 10-11 and are dependent on newly independent Board-allowed claim claim 65.

Note that new dependent claims 495-496 track claims 100-101 and are dependent on newly independent claim Board-allowed claim 154.

Note that new dependent claims 497-498 track claims 100-101 and are dependent on newly independent claim Board-allowed claim 155.

Note that new claims 499-500 comprise 230 and 232, depending from claim 380.

Note that new claims 501-502 comprise 230 and 232, depending from claim 424 in program product format.

Note that new claims 503-504 comprise 230 and 232, depending from claim (old 355) **469** in system format.

The claims were amended to include the words "by computer" after the word "electronically." Claim 206 has been cancelled without prejudice. The words "computer usable media" have been changed to "non-transitory computer-readable media," at the examiner's request. The term non-transitory media means "all media except media when and during the time it is being transmitted through the air as carrier waves."

Note that in claim 285, the element "computer code for storing the acceptance information;" was deleted, as it repeats a step already listed in parent claim 402.

The claims were amended to correct an antecedence issue for the wording "stored data." The antecedent for this limitation is the storing of "information." Thus, the phrase "stored data" has been changed to "stored information."

Note that the phrase "the condition precedent" has been changed to "a condition precedent" to correct a possible antecedence issue.

The term "facilitating the offering of an incentive" means providing the offer or otherwise offering the incentive, or providing or manipulating or sending or transferring data in a manner that enables, and/or is instrumental to, the offering of the incentive.

The phrase "facilitating the calculation of a score" means calculating a score, or making a calculation that enables, and/or is instrumental to, the calculation of a score, or manipulating or processing data in a manner that enables, and/or is instrumental to, the calculation of a score.

Note that we are not changing the scope of the claims, but only making clarifications of our intent for the claim elements.

Note that "digital identity verification" is defined as any means or information used to electronically verify the identity, or trustworthiness, of a person or entity, for purpose of any type of electronic communication, comprising, but not limited to, usernames, passwords, or any other type of digital signature, or digital certificates.

Calculating a charge for providing the incentive based on both the size of a group of buyer entities resulting from a search of the information and the scores of the buyer entities is defined as calculating a charge, or making a calculation that enables, and/or is instrumental to, the calculation of a charge, or manipulating or processing data, or performing another electronic task or function, in a manner that enables, and/or is instrumental to, the determination of a charge, which will presumably be based at least in part on the size and at least one score of the group.

The word incentive comprises any offer of a benefit in return for any specific action or activity. Such an action or activity could be a purchase, but is also defined to comprise any other action or activity, such as responding to free trial offers.

    Regarding use of the term "condition precedent", the phrase "the condition precedent for this operation that the system has received from that buyer entity the at least one respective third party purchase record or information verifiably derived therefrom", for instance, means that in the regular course of business, under otherwise same or similar conditions, the referenced operation would not have occurred with respect to a particular buyer entity had the at least one respective third party purchase record not been received.